

CAUSE NO. PD-1229-16

ERNESTO LERMA,
Appellant

vs.

THE STATE OF TEXAS,
State

§
§
§
§
§
§
§

IN THE COURT
FILED
COURT OF CRIMINAL APPEALS
2/8/2018
DEANA WILLIAMSON, CLERK
OF CRIMINAL APPEALS

OF THE STATE OF TEXAS

MOTION FOR EXTENSION OF TIME TO FILE
MOTION FOR REHEARING

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

NOW COMES ERNESTO LERMA, the Appellant herein, by and through undersigned counsel, and moves the Court for an extension of time to file his Motion for Rehearing in this cause pursuant to Rule 79 of the Texas Rules of Appellate Procedure (T.R.A.P.), and in support thereof would show the Court as follows:

I.

This Honorable Court issued an opinion of the Court, delivered on January 24, 2018, after accepting this case for review and having the parties submit briefs on the merits.

II.

Pursuant to T.R.A.P. Rule 79.1, the Appellant's Motion for Rehearing is therefore due February 8, 2018. In accordance with T.R.A.P. 79.6, Appellant is filing this motion complying with Rule 10.5(b), no later than 15 days after the last day for filing the petition.

III.

Petitioner hereby requests an extension of time to file his Motion for Rehearing, and would show unto the Court that thirty (30) additional days from the date of this motion will be sufficient to allow the completion of said Motion, or until March 10, 2017.

IV.

No previous extensions of time have heretofore been requested or granted.

V.

Appellant submits that the underlying conviction and sentence is significant, given his status as a habitual felony offender. Counsel requests ample time to present a thorough and effective Motion for Rehearing to this Honorable Court on behalf of her client. Counsel for Appellant has a very active case load and would like more time to present the most effective and thought out motion and provide her client with the best representation possible. Furthermore, counsel will be in trial today, February 8, 2018, and has had insufficient time to draft the motion or hear back from her client regarding the decision of the Court.

WHEREFORE, PREMISES CONSIDERED, the undersigned counsel, on behalf of Appellant, respectfully prays that this Honorable Court extend the time for filing a Motion for Rehearing in this cause until March 10, 2018.

Respectfully Submitted,

/s/ Celina Lopez Leon

CELINA LOPEZ LEON

State Bar No. 24070170

LAW OFFICE OF RALPH M. RODRIGUEZ

5151 Flynn Parkway, Ste. 616
Corpus Christi, TX 78411
Telephone: (361) 654-2500
Telecopier: (361) 654-2503

**ATTORNEY FOR APPELLANT,
ERNESTO LERMA**

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing motion has been served upon Stacey M. Soule, the State's Prosecuting Attorney, via e-mail, on this 8TH day of February, 2018.

/s/ Celina Lopez Leon
CELINA LOPEZ LEON